

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
WESTERN DISTRICT OF PENNSYLVANIA
P. O. BOX 1805
PITTSBURGH, PA 15230
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ROBERT V. BARTH, JR.
CLERK OF COURT
412-208-7500

IN REPLYING, GIVE NUMBER
OF CASE AND NAMES OF PARTIES

September 1, 2006

Date: _____

Clerk's Office
Clerk's Office
Federal Building and United States Courthouse,
Suite 400 South
1301 Clay Street
Oakland, CA 94612-5212

RE: CINTAS v DERENZO

Dear Clerk:

On August 28, 2006, this Court electronically entered an order transferring the above entitled case to your Court. Enclosed is a copy of the electronic docket sheet showing that electronically entered order together with instructions to retrieve the electronic file from our ECF system.

Please acknowledge receipt of the transfer by e-mail at Joseph_Ventresca.pawd.uscourts.gov after completion of retrieving our Court's electronic file. Please reference our Court's case number and caption along with the case number assigned by your Court.

ROBERT V. BARTH
CLERK OF COURT

/s/Joseph V. Ventresca

By: _____
Joseph V. Ventresca

Enclosures: 2

CLOSED, MAG, STAYED

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:06-cv-00324-GLL-RCM
Internal Use Only**

CINTAS CORPORATION v. DERENZO et al

Assigned to: Gary L. Lancaster

Referred to: Robert C. Mitchell

Cause: 29:201 Fair Labor Standards Act

Date Filed: 03/10/2006

Jury Demand: None

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: Federal Question

Plaintiff

CINTAS CORPORATION

a Washington Corporation

represented by **Philip M. Oliss**
Squire, Sanders & Dempsey
127 Public Square
4900 Key Tower
Cleveland, OH 44114-1304
(216) 479-8500
Email: poliss@ssd.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CHRISTOPHER DERENZO

Defendant

ANDREW W. EPERTHENER

Defendant

JAMES FOLSOM

Defendant

THOMAS KLUTCH

Defendant

LINDA LEAZIER

Defendant

JOSH MILLER

Defendant

CERTIFIED FROM THE RECORD

Date September 1, 2006

ROBERT V. BARTH, JR., CLERK

By Joseph A. Ventresca
Deputy Clerk

ROSS NICOTERO, III**Defendant****TIMOTHY NYE****Defendant****JASON PHILLIPS****Defendant****CARL POTECHKO****Defendant****MICHAEL S. SMITH****Defendant****NICHOLAS TOKISH****Defendant****LEONARD R. TORRIS, III****Defendant****DAVE VICKLESS***individuals*

Date Filed	#	Docket Text
03/10/2006	•1	COMPLAINT against ROSS NICOTERO, III, TIMOTHY NYE, JASON PHILLIPS, CARL POTECHKO, MICHAEL S. SMITH, NICHOLAS TOKISH, LEONARD R. TORRIS, III, DAVE VICKLESS, CHRISTOPHER DERENZO, ANDREW W. EPERTHENER, JAMES FOLSOM, THOMAS KLUTCH, LINDA LEAZIER, JOSH MILLER (Filing fee \$ 250 receipt number 2648.), filed by CINTAS CORPORATION. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Receipt 2648 for filing fee)(ces,) (Entered: 03/15/2006)
03/10/2006		*** Case Assigned to Category Number 7 (ces,) (Entered: 03/15/2006)
03/10/2006	•	Summons Issued as to ROSS NICOTERO, III, TIMOTHY NYE, JASON PHILLIPS, CARL POTECHKO, MICHAEL S. SMITH, NICHOLAS TOKISH, LEONARD R. TORRIS, III, DAVE VICKLESS, CHRISTOPHER DERENZO, ANDREW W. EPERTHENER, JAMES FOLSOM, THOMAS KLUTCH, LINDA LEAZIER, JOSH MILLER. (ces,) (Entered: 03/15/2006)
03/10/2006	•	PETITION for Order Directing Arbitration to Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 by CINTAS

		CORPORATION (filed at document 1). (ces,) (Entered: 03/15/2006)
03/10/2006	②	REQUEST for Judicial Notice In Support of Petition for Order Directing Arbitration To Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance with the Terms of The Agreement, Pursuant to 9 USC Section 4 by CINTAS CORPORATION. (ces,) (Entered: 03/15/2006)
03/10/2006	③	EXHIBITS in Support of <u>2</u> Motion for Miscellaneous Relief, by CINTAS CORPORATION. (Attachments: # <u>1</u> 1st continuation of Exhibits# <u>2</u> 2nd continuation of Exhibits# <u>3</u> 3rd continuation of Exhibits)(ces,) (Entered: 03/15/2006)
03/10/2006	④	DECLARATION re MOTION for Order Directing Arbitration to Proceed In the Manner Provided For IN Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 by CINTAS CORPORATION Affiant: Mark C. Dosker. (ces,) (Entered: 03/15/2006)
03/10/2006	⑤	DECLARATION re MOTION for Order Directing Arbitration to Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 by CINTAS CORPORATION Affiant: Jenice Clendening. (ces,) Modified on 3/15/2006 to correct typo (ces,). (Entered: 03/15/2006)
03/10/2006	⑥	EXHIBITS in Support of <u>5</u> Declaration, by CINTAS CORPORATION. (Attachments: # <u>1</u> 1st continuation of Exhibits# <u>2</u> 2nd continuation of Exhibits)(ces,) (Entered: 03/15/2006)
03/10/2006	⑦	Disclosure Statement by CINTAS CORPORATION.. (ces,) (Entered: 03/15/2006)
03/15/2006	⑧	ORDER REFERRING CASE to Magistrate Judge Robert C. Mitchell. Signed by Judge Gary L. Lancaster on 3/15/06. (map) (Entered: 03/15/2006)
03/16/2006		***Motions terminated: (with Doc. #1) MOTION for Order Directing Arbitration to Proceed In the Manner Provided For IN Written Agreement For Arbitration, In Accordance With the Terms of the Agreement, Pursuant to 9 USC Section 4 filed by CINTAS CORPORATION., <u>2</u> MOTION for Judicial Notice In Support of Petition for Order Directing Arbitration To Proceed In the Manner Provided For In Written Agreement For Arbitration, In Accordance with the Terms of The Agreement, Pursuant to 9 USC Section 4 filed by CINTAS CORPORATION,. These are terminated at the direction of the Court as these pleadings were not filed as motions. (sdm,) (Entered: 03/16/2006)
04/28/2006	⑨	NOTICE by CINTAS CORPORATION of <i>Lodgment of Copy of Papers Filed with the Judicial Panel on Multidistrict Litigation</i> (Attachments: # <u>1</u> Exhibit 1 - Response Brief# <u>2</u> Exhibit 2 - Response to Averments# <u>3</u> Exhibit 3 - Request for Judicial Notice# <u>4</u> Exhibit 1 of Exhibit 3# <u>5</u> Exhibit 2 of Exhibit 3# <u>6</u> Exhibit 3 of Exhibit 3# <u>7</u> Exhibit 4 of Exhibit 3#

		<u>8</u> Exhibit 5 of Exhibit 3# <u>9</u> Exhibit 6 to Exhibit 3# <u>10</u> Exhibit 4 - Appendix of Authorities# <u>11</u> Exhibit 5 - Declaration Part A# <u>12</u> Exhibit 5 - Declaration Part B# <u>13</u> Exhibit 5 - Declaration Part C)(Oliss, Philip) (Entered: 04/28/2006)
05/12/2006	❶ <u>10</u>	SUMMONS/Return of Service Returned Executed by CINTAS CORPORATION. ROSS NICOTERO, III served on 4/4/2006, answer due 4/24/2006. (Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	❶ <u>11</u>	SUMMONS/Return of Service Returned Executed by CINTAS CORPORATION. TIMOTHY NYE served on 4/8/2006, answer due 4/28/2006. (Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	❶ <u>12</u>	WAIVER OF SERVICE Returned Executed by CINTAS CORPORATION. LINDA LEAZIER waiver sent on 3/24/2006, answer due 5/23/2006. (Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	❶ <u>13</u>	STIPULATION and Order RE: (1) Service of Process, and (2) Staying Further Proceedings Pending Decision on Motion before the Judicial Panel on Multidistrict Litigation to Transfer and Consolidate Under 28 U.S.C. Section 1407. by CINTAS CORPORATION. (Attachments: # <u>1</u> Proposed Order)(Oliss, Philip) (Entered: 05/12/2006)
05/12/2006	❶ <u>14</u>	Errata re <u>13</u> Stipulation, <i>Stipulation and Order RE: (1) Service of Process, and (2) Staying Further Proceedings Pending Decision on Motion before the Judicial Panel on Multidistrict Litigation to Transfer and Consolidate Under 28 U.S.C. Section 1407.</i> by CINTAS CORPORATION Reason for Correction: attached wrong Document. (Attachments: # <u>1</u> Proposed Order)(Oliss, Philip) (Entered: 05/12/2006)
05/16/2006	❶	CLERK'S OFFICE QUALITY CONTROL MESSAGE. re <u>13</u> Stipulation, ERROR: Signature on document and filer do not match and wrong document was attached. CORRECTION: Attorney advised of signature requirements. Attorney to resubmit the document using the Errata event. This message is for informational purposes only. (jv) Modified on 5/16/2006 (jv,). (Entered: 05/16/2006)
05/16/2006	❶	Remark: Action for QC Message regarding <u>13</u> not needed, due to <u>14</u> correcting the signature problem. Clerk did not see 14's correction until after 13 was QC'ed and put on docket. (jv) (Entered: 05/16/2006)
06/01/2006	❶ <u>15</u>	ORDER granting <u>14</u> Errata to <u>13</u> Stipulation, staying further proceedings, including service, pending decision on motion before the Judicial Panel on Multidistrict Litigation to Transfer and Consolidate . Signed by Judge Gary L. Lancaster on 6/1/06. (map) (Entered: 06/01/2006)
06/01/2006		***Set/Clear Flags (sjc) (Entered: 06/02/2006)
08/22/2006	❶ <u>16</u>	Conditional Transfer Order received from the Judicial Panel on Multi-District Litigation. (Attachments: # <u>1</u> Schedule A) (jv) (Entered: 08/22/2006)

08/29/2006	• <u>17</u>	Certified Copy of Conditional Transfer Order received from Northern District of California. (Attachments: # <u>1</u> Schedule A) (jv) (Entered: 09/01/2006)
09/01/2006	• <u>18</u>	Remark: Forwarded Certified Copy of Conditional Transfer Order and Docket Sheet, Retrieval Instructions and Transfer out letter to Northern District of CA. (jv) (Entered: 09/01/2006)
09/01/2006		***Civil Case Terminated. (jv) (Entered: 09/01/2006)

Case 2:06-cv-00324-GLL-RCM

Document 17-1

Filed 08/29/2006

Page 1 of 324

A CERTIFIED TRUE COPY

AUG 18 2006

RELEASED FOR PUBLICATIONATTEST: *[Signature]*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**DOCKET NO. 1781**JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 18 2006

FILED
CLERK'S OFFICE**FILED**

AUG 22 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE CINTAS CORP. OVERTIME PAY ARBITRATION LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ, ROBERT L. MILLER, JR., * KATHRYN H. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL****TRANSFER ORDER**

This litigation consists of the 71 actions, each pending in a different federal district, that are listed on the attached Schedule A. The Northern District of California hosts the first filed of this docket's constituent actions (*Veliz*), which is a March 2003 action brought, inter alia, under state law and the Fair Labor Standards Act (FLSA) against Cintas Corp (Cintas). *Veliz*, a "collective" action in which over 2,000 plaintiffs have now joined, is brought by Cintas employees or former employees who allege that Cintas failed to pay them required overtime wages. The other 70 civil actions now before the Panel are motions to compel arbitration just recently brought by Cintas in March 2006 against a total of approximately 1,800 persons, each of whom is also a *Veliz* opt-in plaintiff and is named in only one of the 70 actions brought by Cintas. The *Veliz* plaintiffs (including the opt-in plaintiffs who are defendants in the actions brought by Cintas) move the Panel, pursuant to 28 U.S.C. § 1407, for an order centralizing the MDL-1781 actions in the Northern District of California for coordinated or consolidated pretrial proceedings. Cintas, the *Veliz* defendant and plaintiff in the other 70 actions, opposes transfer.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Each person named in the 70 actions brought by Cintas is an opt-in plaintiff in *Veliz*, the remaining MDL-1781 action, and each of the 70 actions represents an effort by Cintas to compel a *Veliz* opt-in plaintiff who has asserted FLSA claims in *Veliz* to arbitrate those claims, not in the Northern District of California where *Veliz* is pending, but rather in the judicial district where the motion to compel was filed and where the respective defendants are (or were last) employed by Cintas. Resolution of the actions in this docket will require each of the 70 district courts where Cintas has brought suit to construe identical contractual arbitration clauses to determine i) whether the parties named in each motion to compel are refusing to arbitrate within the meaning of § 4 of the Federal Arbitration Act, and/or ii) whether the parties are complying with that obligation by seeking to arbitrate

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST:

RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of CaliforniaBy *[Signature]*
Date September 1, 2006
ROBERT V. BARTH, JR., CLERK
Deputy Clerk

Judge Miller did not participate in the decision of this matter.

CERTIFIED FROM THE RECORD

Date September 1, 2006

ROBERT V. BARTH, JR., CLERK

By *[Signature]*
Deputy Clerk

MDL-1781 Schedule A (Continued)

Middle District of Pennsylvania

Cintas Corp. v. Brian Ash, et al., C.A. No. 3:06-517

Western District of Pennsylvania

Cintas Corp. v. Christopher Derenzo, et al., C.A. No. 2:06-324

District of Rhode Island

Cintas Corp. v. Joseph E. Edwards, et al., C.A. No. 1:06-112

District of South Carolina

Cintas Corp. v. Thomas Eugene Alert, et al., C.A. No. 3:06-762

Eastern District of Texas

Cintas Corp. v. Stephen Barlow, et al., C.A. No. 1:06-137

Northern District of Texas

Cintas Corp. v. Bryan Armstrong, et al., C.A. No. 3:06-432

Southern District of Texas

Cintas Corp. v. Judd Allen, et al., C.A. No. 4:06-824

Western District of Texas

Cintas Corp. v. Issac Anaya, et al., C.A. No. 5:06-216

District of Utah

Cintas Corp. v. Wade Bell, et al., C.A. No. 2:06-205